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May 27, 2008

The Honorable Leonard P. Stark  
U.S. District Court for the  
District of Delaware  
844 North King Street  
Lock Box 26  
Wilmington, DE 19801

RE: Anello v. Indian River School District  
Case Number 07-6687 (LPS)

FILED  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2008 MAY 30 PM 2:43  
KDK

Dear Magistrate Stark:

On or about May 14, 2008, Valerie A. Woodruff, Secretary of Education, Delaware Department of Education, was served with a civil subpoena in the above referenced matter. Specifically, the subpoena, directs Secretary Woodruff to file the "administrative records and the Sussex County Family Court January 19, 2007 Order for DP case #05-02 and 07-20; File CS05-02707 Case No. 05-32017" at the U. S. District Court on or before June 7, 2008. (A copy of the subpoena is enclosed.) This letter is intended to assist the parties and the Court in receiving the record.

The Department of Education is not a party to this proceeding. In order to respect the confidential nature of the administrative record below and the student's rights under the Family Educational Rights and Privacy Act, Department practice has been to require the parties to obtain a court order directing the Department to file the record with the Court in special education administrative appeals.

Pursuant to 14 *Del. C.* § 3142(c), the Department is the custodian of the administrative record and the Secretary, or the Secretary designee, shall certify and file with the Court the record of the administrative hearing, including all documents submitted, transcripts of all testimony and the decision of the hearing panel. Upon receipt of an Order in this matter, the Department will comply and file the administrative record forthwith.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mary L. Cooke', with a long horizontal flourish extending to the right.

Mary L. Cooke  
Deputy Attorney General

Cc: ↙ Dr. Peter T. Dalleo, Clerk  
Maureen Anello  
James H. McMackin, Esquire  
The Honorable Valerie A. Woodruff  
Martha Toomey